

Message Text

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PAGE 01 STATE 052075

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E.O. 11652: N/A

TAGS: SHUM, TU

SUBJECT: HUMAN RIGHTS REPORTING TO CONGRESS - TURKEY

REF: ANKARA 1592 (NOTAL)

SINCE CYPRUS IS NOT RECIPIENT OF SECURITY ASSISTANCE, NO SEPARATE HUMAN RIGHTS REPORT ON CYPRUS WAS SUBMITTED. SOME PORTIONS OF DRAFT CYPRUS REPORT SENT TO YOU EARLIER HAVE BEEN INCLUDED IN TURKEY REPORT. TEXT OF TURKEY REPORT FOLLOWS:

QUOTE: ROMAN ONE. POLITICAL SITUATION. TURKEY IS A PARLIAMENTARY REPUBLIC OPERATING UNDER A CONSTITUTION APPROVED BY REFERENDUM IN 1961. THE PRESENT GOVERNMENT IS A "NATIONALIST FRONT" COALITION OF FOUR PARTIES WHICH RULES BY A NARROW MARGIN IN PARLIAMENT. TURKEY HAS HAD A SERIES OF LIMITED OFFICIAL USE

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PAGE 02 STATE 052075

COALITION GOVERNMENTS SINCE THE OCTOBER 1973 ELECTION WHEN NO ONE PARTY WAS ABLE TO GAIN A MAJORITY. NEW ELECTIONS ARE SCHEDULED FOR 1977. THE TURKISH MILITARY ARE POLITICALLY VERY INFLUENTIAL AND HAVE INTERVENED IN TURKISH POLITICS IN 1960 AND 1971.

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THE TURKISH CONSTITUTION,
ROMAN TWO. LEGAL SITUATION. THE TURKISH CONSTITUTION,
TURKISH PENAL CODE AND LEGAL PRACTICE PROVIDE SAFEGUARDS

FOR DEFENDANTS WHICH APPROXIMATE DUE PROCESS AS UNDERSTOOD
IN OTHER EUROPEAN COUNTRIES AND AFFORD PROTECTION FROM
ARBITRARY ARREST AND DETENTION.

ARTICLE 124 OF THE CONSTITUTION AUTHORIZES PARLIAMENT TO
DECLARE MARTIAL LAW. THE MOST RECENT IMPOSITION OCCURRED
WITH THE CYPRUS CRISIS STARTING IN JULY 1974. THE DECLAR-
ATION AFFECTED TWO PROVINCES AND THE TWO METROPOLITAN
CENTERS AND LASTED UNTIL SEPTEMBER 1975.

ROMAN THREE. OBSERVANCE OF INTERNATIONALLY RECOGNIZED
HUMAN RIGHTS. TURKISH CONSTITUTIONAL GUARANTEES FULFILL
THE PRECEPTS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.
THE TURKISH PENAL CODE DOES, HOWEVER, PROHIBIT UNDER
ARTICLE 141 AND 142 SEPARATISM, THE DISSEMINATION OF
COMMUNIST PROPAGANDA AND ORGANIZATIONS "AIMED AT ESTABLISH-
ING THE DOMINATION OF A SOCIAL CLASS OVER OTHER SOCIAL
CLASSES." SOME CONCERN HAS BEEN EXPRESSED OVER THE NUMBER
OF PEOPLE ARRESTED UNDER THESE PROVISIONS.

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THERE IS NO EVIDENCE THAT THE TURKISH GOVERNMENT CONDONES
OR ENCOURAGES ITS OFFICIALS TO VIOLATE HUMAN RIGHTS BY
MURDER, TORTURE, ARBITRARY ARREST, PROLONGED DETENTION,
UNFAIR TRIALS, OR ANY OTHER DEGRADING TREATMENT OF FLAGRANT
DENIAL TO THE RIGHTS OF LIFE, LIBERTY AND SECURITY OF
PERSON. NOT ONLY ARE SUCH ACTIONS ILLEGAL UNDER TURKISH
LAW, BUT TURKEY'S FREE PRESS AND COMPETITIVE POLITICAL
SYSTEM ACT AS ADDITIONAL STRONG DETERRENTS TO SUCH ACTIONS
BY LAW ENFORCEMENT PERSONNEL. THE BASIC LEGISLATION
GOVERNING THE CONDUCT OF POLICE AND PRISON OFFICIALS IS
SUPPLEMENTED BY REGULATIONS ISSUED BY THE MINISTRIES OF
JUSTICE AND INTERIOR.

SPECIAL COURTS, WHICH CEASED TO EXIST IN 1976, WERE CREAT-
ED IN 1971 TO DEAL WITH CASES ARISING OUT OF THE IMPOSITION
OF MARTIAL LAW IN CERTAIN PROVINCES. THEY FUNCTIONED WITH
REGULAR MEMBERS OF THE TURKISH LEGAL PROFESSION, TRIALS
WERE OPEN, AND DEFENSE COUNSELS WERE AVAILABLE. MANY IN
TURKEY REGARDED THESE COURTS AS AN ARM OF GOVERNMENT RE-

PRESSURE OF POLITICAL DISSENTERS. THE CONSTITUTIONAL COURT FOUND THESE SPECIAL COURTS TO BE UNCONSTITUTIONAL. LEGISLATION TO REINSTATE THEM WAS ON THE LEGISLATIVE CALENDAR FOR OVER A YEAR BUT WAS NOT ENACTED; THE COURTS CEASED TO FUNCTION IN OCTOBER 1976. DURING THE PERIOD OF PARLIAMENTARY DEBATE SEVERAL DEMONSTRATIONS OCCURRED. APPROXIMATELY 100 MEMBERS OF LEFTIST DISK LABOR FEDERATION

WERE ARRESTED IN SEPTEMBER FOR TAKING PART IN SUCH DEMONSTRATIONS. ALL WERE RELEASED WITHIN TWO WEEKS AND MOST WERE RELEASED MUCH SOONER. SOME 400 WORKERS WERE ALSO ARRESTED IN A SEPARATE DEMONSTRATION AFTER A CLASH WITH POLICE. ALL WERE RELEASED AFTER A FEW HOURS. NO ALLEGATIONS OF TORTURE WERE REPORTED AS A RESULT OF THESE ARRESTS.

WHILE A PORTION OF THE LEFTIST PRESS FROM TIME TO TIME LIMITED OFFICIAL USE

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CARRIES CHARGES OF TORTURE, MOST OF THE LIBERAL AND MODERATE LEFTIST OPPOSITION PRESS HAS PRINTED NO CHARGES OF TORTURE UNDER THE PRESENT GOVERNMENT.

THERE HAVE BEEN PERSISTENT CLAIMS OF HUMAN RIGHTS VIOLATIONS IN CYPRUS DURING AND SUBSEQUENT TO THE JULY/AUGUST 1974 HOSTILITIES, WITH GREEK CYPRIOTS CHARGING TURKISH FORCES WITH COMMITTING ATROCITIES AND THE TURKS LEVELING SIMILAR CHARGES AT THE GREEK CYPRIOTS. UNQUESTIONABLY ATROCITIES WERE COMMITTED BY BOTH SIDES DURING THE FIGHTING. EXISTING HUMAN RIGHTS PROBLEMS, PARTICULARLY THE LIVING CONDITIONS OF THE 2,000 GREEK CYPRIOTS STILL IN THE TURKISH-OCCUPIED NORTH OF CYPRUS, ARE INEXTRICABLY INTERMIXED WITH THE UNSETTLED POLITICAL SITUATION ON THE ISLAND. GREEK CYPRIOTS CHARGE THAT GREEKS IN THE NORTH ARE BEING STRONGLY ENCOURAGED, IF NOT FORCED, TO LEAVE THE TURKISH ZONE, AN ACCUSATION THE TURKS DENY. EVIDENCE AVAILABLE TO THE US GOVERNMENT IS INCONCLUSIVE. FINAL RESOLUTION OF THE HUMAN PROBLEMS OF CYPRUS AND A RETURN TO NORMAL LIVING CONDITIONS WILL OCCUR ONLY AS A PART OF A GENERAL SETTLEMENT.

ROMAN FOUR. OTHER HUMAN RIGHTS REPORTING. THE 1975-76 ANNUAL REPORT OF AMNESTY INTERNATIONAL EXPRESSED CONCERN AT ALLEGATIONS OF TORTURE AND INCREASING NUMBERS OF PEOPLE ARRESTED UNDER ARTICLES 141 AND 142 OF THE TURKISH PENAL CODE. AI'S COUNCIL, MEETING AT STRASBOURG SEPTEMBER 24-26 EXPRESSED CONCERN AT RECENT MASS ARRESTS.

FREEDOM HOUSE LISTS TURKEY AS "FREE". END QUOTE.

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